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RONALD M. NAKAMOTO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RONALD M. NAKAMOTO

Plaintiff,

vs.

LOCKHEED MARTIN CORPORATION,

Defendant.

Case No. 5:09-CV-05193 JF

**STIPULATION AND ~~[PROPOSED]~~
ORDER MODIFYING ADR DEADLINE**

Complaint filed: November 3, 2009
Trial date: Not set

1 Plaintiff and Counter Defendant Ronald M. Nakamoto ("Plaintiff" or "Nakamoto") and
 2 Defendant and Counter Claimant Lockheed Martin Corporation ("Defendant" or "Lockheed"),
 3 the parties to the above-entitled action (collectively referred to herein as the "Parties"), by and
 4 through their undersigned counsel, jointly submit this Stipulation to the Court:

5 **STIPULATION**

6 WHEREAS, on May 13, 2010, the Court issued an Order Selecting ADR Process in the
 7 above-entitled action ("Order");

8 WHEREAS, the Court's Order approved the stipulation between the Parties to participate
 9 in a Court-sponsored mediation;

10 WHEREAS, according to the Court's Order, the deadline for the Parties to hold a Court-
 11 sponsored mediation is 90 days from the date of the Order, or August 11, 2010;

12 WHEREAS, the Court heard Defendant's Motion to Dismiss, or in the Alternative,
 13 Motion for Summary Adjudication, and Motion to Strike, on May 28, 2010;

14 WHEREAS, Defendant filed its Answer to Plaintiff's Complaint and its Counter Claim on
 15 June 22, 2010;

16 WHEREAS, Plaintiff will file his Answer to Defendant's Counter Claim on July 20,
 17 2010;

18 WHEREAS, the Parties have not been able to complete initial written discovery and
 19 Defendant has not been able to complete Plaintiff's deposition, and will not have sufficient time
 20 to complete initial written discovery and Plaintiff's deposition before the currently scheduled
 21 deadline to participate in a mediation;

22 WHEREAS, the Parties agree that it would be beneficial for settlement purposes if the
 23 Parties completed initial written discovery and Plaintiff's deposition prior to participating in a
 24 mediation;

25 WHEREAS, the Parties have not previously requested any extensions of the deadlines set
 26 forth in the Court's Order;

27 WHEREAS, for good cause and to promote settlement and avoid prejudice that would
 28 result to both Parties if the deadline to participate in a mediation is not revised, the Parties jointly

1 request an extension of the deadline to participate in a mediation set forth in the Court's Order;

2 NOW, THEREFORE, Plaintiff and Defendant, through their undersigned respective
3 counsel, stipulate and request that the Court approve the following revised deadline:

4 Last day for the Parties to participate in a mediation: 10/11/2010

5 To avoid prejudice to both Parties, GOOD CAUSE exists to modify the deadline in this
6 action as described herein.

7
8
9 Dated: July 23, 2010

MORGAN, LEWIS & BOCKIUS LLP

11 By /s/
12 Melinda S. Riechert
13 Kathryn M. Dancisak
14 Attorneys for Defendant and Counter Claimant
15 LOCKHEED MARTIN CORPORATION

16
17 Dated: July 23, 2010

PATTEN, WORNOM, HATTEN &
DIAMONSTEIN, L.C.

18 By /s/
19 James H. Shoemaker, Jr.
20 Attorneys for Plaintiff
21 RONALD M. NAKAMOTO

ORDER

In light of the foregoing STIPULATION of the Parties and good cause appearing, the Court ORDERS the following revised deadline in this case:

Last day for the Parties to participate in a mediation: 10/11/2010

To avoid prejudice to both Parties, GOOD CAUSE exists to modify the deadline in this action as described herein.

Dated: 7/29/10



Hon. Jeremy Fogel
United States District Court Judge